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ATTORNEYS FOR PLAINTIFF EEOC

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

CIVIL ACTION NO. 09-CV-690PK

Plaintiff,

EMITERIA CORTES BUSTOS,
FLORIBERTA CORTES BUSTOS, ISAAC
CORTES BUSTOS, and EDUARDO
CRISPIN ZUNIGA,

DECLARATION OF EMITERIA CORTES
BUSTOS IN SUPPORT OF PLAINTIFFS'
RESPONSE TO DEFENDANT'S MOTION
TO DISMISS

Plaintiff/Intervenors,

v.

WILLAMETTE TREE WHOLESALE, INC,

Defendant.

I, Emitteria Cortes Bustos, declare that the following statements are true and correct, that I
am over eighteen years of age and am competent to testify to the following from personal
knowledge:

1. I am a Plaintiff-Intervenor in the above captioned case filed by the U.S. Equal Employment Opportunity Commission ("EEOC") *EEOC v. Willamette Tree Wholesale, Inc.*, Civil Action No. CV09-690 PK.

2. The EEOC filed this lawsuit against my previous employer Willamette Tree Wholesale, Inc. on June 18, 2009. (Court File Dkt. No. 1). The EEOC's lawsuit claims that Defendant subjected several employees to ongoing egregious sexual harassment at the Willamette Tree Wholesale, Inc. location in Molalla, Oregon.

3. When I first began working for Willamette Tree, my supervisor, Jaime Rodriguez ordered me into the machine room, which has an isolated loft. As I approached the top of the stairs, I noticed that flattened cardboard boxes covered the floor which looked like a makeshift bed. Suddenly, Rodriguez attacked me from behind. Rodriguez forced a pair of pruning shears against my throat, exposed his penis and attempted to rape me. I smelled alcohol on Rodriguez's breath. Because Rodriguez was not able to get an erection, he raped me with his fingers. I screamed but Rodriguez covered my mouth with his hand and pressed the shears against my throat. Rodriguez demanded that I remain still or he would kill me and hide my body under the cardboard. Rodriguez threatened to fire my entire family if I ever told anyone about the rape.

4. After this initial rape and threat to kill me, Rodriguez continued to attempt to rape me. He raped me vaginally and anally with his fingers on several occasions at the various worksites. He always carried the pruning shears and threatened to kill me with them. Rodriguez transported me to the fields on a motorcycle where he would then rape me. No one could see us in these remote areas because we were isolated.

5. Approximately once or twice a week, Rodriguez would take me to other remote and isolated areas of the farm and force me to perform oral sex on him. Rodriguez restrained my

head by clenching my hair in his hands, while thrusting his penis into my mouth. The force of his penis caused immense pain and damage to my mouth and throat. Rodriguez frequently had pruning shears held to my throat when he attacked me. He always threatened to kill me, and threatened to terminate and kill my entire family. I was paralyzed with fear of Rodriguez's physical violence.

6. On one occasion, Rodriguez scheduled my family to work while he demanded that I stay at home. Because Rodriguez knew that I was at home alone on this occasion he came to the house, grabbed me by the hair and dragged me into the bedroom. Rodriguez struck me in the face and raped me vaginally.

7. Throughout my employment and after he terminated me, Rodriguez would call me at home and threatened to kill me and fire or hurt my family if I told anyone that he raped me.

8. In early 2007, I was returning from an isolated area of the farm where Rodriguez had just forced me to perform oral sex. A coworker, Luis Bravo saw that I was crying and asked me what was wrong. I broke down emotionally and told him that Rodriguez had raped me.

9. Soon after I told my co-worker about the rapes, Rodriguez confronted me. Rodriguez demanded that I stay late after work and then threatened to fire me. Rodriguez yelled at me, "You were an asshole because you opened your mouth. I told you many times to keep your mouth shut. Now, you don't work here anymore." I begged Rodriguez not to fire me because I desperately needed the income and he finally allowed me to continue working.

10. No one from the company ever talked to me about what Rodriguez had been doing to me either before or after my termination.

11. In early April 2007, Rodriguez transported me to an isolated area of the farm. There, Rodriguez demanded that I perform oral sex on him. Due to the on-going demands for oral sex, Rodriguez's penis had injured my throat to the extent that I could barely swallow because of the pain. Because of the intense pain I was experiencing, I refused to perform oral sex on him. Rodriguez became very angry, grabbed me by my hair and violently threw me to the ground. He yelled at me that I was fired for refusing to perform oral sex and said "From this moment, you don't have a job. Don't come anymore." I was so afraid that I ran from the fields and waited for my family in the car. Rodriguez approached the car and threatened me again, "You'd better keep your mouth shut or you know what will happen to you."

12. My last paycheck was dated April 4, 2007.

13. After I was terminated in April 2007 Rodriguez continued to call me on my cell phone. Rodriguez called me constantly. I tried to ignore the calls but when I would answer he stated that he still wanted to have sex with me and warned me that if I told anyone about what he had done to he would kill me or hurt my family in Mexico and in Oregon. Rodriguez would make statements such as "It would be so easy to hurt your family in Mexico." "You have to shut your mouth or those that will suffer will be your family." When he called he offered to give me my job back but only if I had sex with him. I was really scared by his calls because he knew where I lived and had previously raped me in my house.

14. I believed Rodriguez would harm me or my family because he had already raped me several time and had often held shears to my throat during the attacks.

15. My family continued to work for Willamette Tree so I was often alone. Because Rodriguez knew where I lived, I never answered the door. Also, after a while, I stopped answering the telephone until I had the number changed sometime in the fall of 2007. I believed

that any complaints to Willamette Tree would be futile because the company had never protected me while I worked there, even after I reported the rapes.

16. I was so afraid of Rodriguez that I never even told my immediate family of the sexual assaults. I worried that any complaints about Rodriguez would jeopardize the safety and employment of family who was still employed with Willamette Tree.

17. Due to the repeated rapes and sexual assaults by Rodriguez while I worked for Willamette Tree I was feeling extremely scared and traumatized. He also hurt me physically with the sexual assaults. And, when he continued to call me and threaten to hurt me and my family after he fired me I was too afraid to seek help. For the first six months after my termination I stayed at home, afraid to answer the door when I was alone. When I was at home I was always crying and scared. I panicked and froze whenever the phone rang or anyone drove by the house or there was a knock on the door. I just wanted to be by myself and didn't want to be around anyone including my family. I didn't even want to be near my teenage son and didn't want him or my family to touch me. I spent a lot of time locked in my bedroom. I was afraid if they knew what had happened to me they would be in danger. I had trouble sleeping and didn't have much of an appetite. I was extremely sad and even thought about killing myself.

18. One time after I was fired and I had to leave my house but I became extremely scared in public. Every time I saw or heard a motorcycle I was scared. I remembered how Rodriguez would pick me up on his motorcycle when I worked at Willamette Farms and he would take me to the fields where he would rape me or force me to give him oral sex.

19. The calls from Rodriguez stopped only because I finally had my phone number changed in the fall of 2007. I am still very afraid for my life and the safety of my family even today.

20. I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in Court and is subject to penalty for perjury.

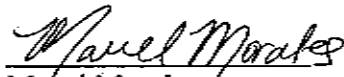
EXECUTED this 27th day of July, 2009



EMITERIA CORTES BUSTOS

Translator's Attestation:

I hereby certify that I am fluent in both Spanish and English and that I read this document to Emitteria Cortes Bustos in Spanish.


Mavel Morales

7/27/2009
Date